

TTAB

Attorney Docket: 07133.8050

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

1-800-PLUMBER, INC.,

Petitioner,

v.

BETH ELLEN CLINE,

Registrant.

Cancellation No. 27,133 and 27,054



12-12-2001

U.S. Patent & TMO/TM Mail Rpt Dt. #70

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

ATTN: BOX TTAB NO FEE

CONSENTED MOTION TO EXTEND DISCOVERY UNDER RULE 56(f)
AND TO RESPOND TO SUMMARY JUDGMENT MOTION

On November 21, 2001, the TTAB Interlocutory Attorney issued an Order granting the parties' stipulated request to extend, until December 15, 2001, the deadline to complete the Board-ordered 56(f) discovery and for Petitioner 1-800-Plumber, Inc. to respond to Registrant's summary judgment motion. As grounds for that extension, Petitioner advised the Board that Petitioner had only just received the transcript of the November 6, 2001 deposition of Ms. Cline and had not yet received documents responsive to the Board ordered 56(f) discovery that Ms. Cline testified about during her deposition.

Petitioner has followed up with Ms. Cline's counsel, Victor Serby, regarding the status of the production of the responsive documents, which to date have not been



LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

DD

provided to Petitioner. According to Mr. Serby, Ms. Cline has undergone some medical tests that have diverted her from searching for and producing the documents.

To allow Ms. Cline additional time to locate the documents and sufficient time for Petitioner to prepare its response to Ms. Cline's summary judgment motion upon receiving the documents, the parties have stipulated to a further sixty-day extension of the current deadline for the completion of discovery and for Petitioner to file its response to Registrant's motion for summary judgment in Cancellation No. 27,133.

Accordingly, the parties request at this time that the Board grant a further sixty (60) day extension of time, to and including February 13, 2002, of the current deadline. Victor Serby, counsel for Ms. Cline, consented to the sixty (60) day extension of time during a telephone conference with the undersigned counsel for Petitioner on December 12, 2001. This request is for good cause and is not filed for the purpose of mere delay, and favorable consideration is requested.

Respectfully submitted,

1-800-PLUMBER, INC.

Dated: December 12, 2001

By: 

David M. Kelly
Christina J. Hieber
Attorneys for Petitioner

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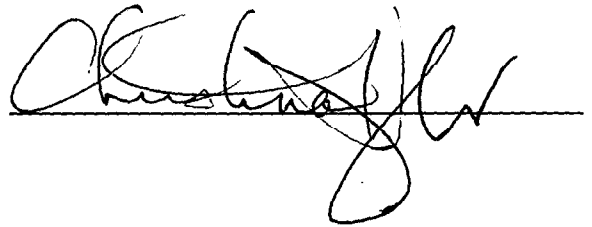
LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing CONSENTED MOTION TO
EXTEND DISCOVERY UNDER RULE 56(f) AND TO RESPOND TO SUMMARY
JUDGMENT MOTION was served on December 12, 2001 by first class mail, postage
prepaid, on the following attorney for Registrant:

Victor M. Serby, Esq.
350 Fifth Avenue – Suite 6307
Empire State Building
New York, New York 10118

A handwritten signature in black ink, appearing to read "Christopher J. W.", is written over a horizontal line.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000